

In the  
**Indiana Supreme Court**

IN THE MATTER OF THE )

APPROVAL OF LOCAL RULES )

FOR OWEN COUNTY )

Case No. 60500-1110-MS-632



ORDER APPROVING AMENDED LOCAL RULES

The judge of the Owen Circuit Court requests the approval of amended local rules for appointment of special judges in accordance with Ind. Trial Rule 79 and Ind. Criminal Rule 13. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Owen Circuit Court, this Court finds that the proposed rule amendments, LR60-TR79(H)-1, LR60-CR2.2-1 and LR60-CR2.2-4 comply with the requirements of Ind. Trial Rule 79 and Ind. Criminal Rule 13, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Owen County Local Rules, LR60-TR79(H)-1, LR60-CR2.2-1 and LR60-CR2.2-4, set forth as an attachment to this Order, are approved effective retroactive to July 1, 2011, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Frank M. Nardi, Owen Circuit Court, P.O. Box 86, Spencer, IN 47460-0086; to the Clerk of the Owen Circuit Court; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Owen Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Court, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 21<sup>st</sup> day of October, 2011.

Rt Shepard  
Randall T. Shepard  
Chief Justice of Indiana

- a. The judges of the trial courts within Administrative District 20, as defined by Administrative Rule 3(A), have agreed to serve as special judges in civil cases when required by Trial Rule 79(H). The trial courts within Administrative District 20 are Owen Circuit Court; Monroe Circuit Court, Divisions 1 through and including 9; Lawrence Circuit Court; Lawrence Superior Court 1; Lawrence Superior Court 2; Greene Circuit Court; and Greene Superior Court. By agreement of the trial judges within Administrative District 20, senior judges shall not be appointed, pursuant to Trial Rule 79(H), as special judges in civil cases.
- b. To provide for a fair distribution of special judge appointments pursuant to Trial Rule 79(H), a Facilitator shall be selected by the judges of the above named courts to assign special judges in civil cases pursuant to Trial Rule 79(H) as needed. The first Facilitator shall be the judge of the Greene Superior Court who shall serve until January 15, 1997, or until such time as a subsequent Facilitator is selected. Subsequent Facilitators shall serve for one year, or until a subsequent Facilitator is selected. Facilitators shall be selected at a meeting of the judges of Administrative District 20 during meetings of the Indiana Judicial Conference in December, or upon call of one third of the judges within the Administrative District.
- c. A trial court requiring the appointment of a special judge pursuant to Trial Rule 79(H) shall seek assignment of a special judge from the Facilitator who shall advise the court where the case is pending of the name of the next judge on the Assignment List of Judges. The Facilitator shall assign judges from the Assignment List of Judges in the following consecutive order: Owen Circuit Court; Lawrence Superior Court, Division 2; Monroe Circuit Court, Division 3; Monroe Circuit Court, Division 7; Lawrence Circuit Court; Monroe Circuit Court, Division 1; Greene Superior Court; Monroe Circuit Court, Division 2; Lawrence Superior Court, Division 1; Monroe Circuit Court, Division 4; Greene Circuit Court; Monroe Circuit Court, Division 5; and Monroe Circuit Court, Division 6, Monroe Circuit Court, Division 9, Monroe Circuit Court, Division 8. If the court seeking the appointment of a special judge pursuant to Trial Rule 79(H) is the Facilitator's Court, the Facilitator will appoint the next consecutive judge from the Assignment List, omitting such Facilitator's own name. After receiving the assignment of a special judge from the Facilitator, the Court seeking the assignment shall appoint such judge as special judge pursuant to Trial Rule 79(H).
- d. If no judge is eligible to serve as special judge or the particular circumstances of the case warrants selection of a special judge by the Indiana Supreme Court, such case shall be certified to the Indiana Supreme Court.

**LR60-CR2.2-1****Case Assignment**

All felony, misdemeanor, infraction, and ordinance violations cases filed in Owen County, Indiana shall be assigned to the Owen Circuit Court. The Court shall assign all infractions and ordinance violations to the Referee of the Small Claims and Minor Offenses Division of this Court for the purposes of finding facts and making recommendations to this Court for disposition. The Court shall assign all misdemeanors and class B, C, and D felonies to the Referee of the Small Claims and Minor Offenses Division of this Court for purposes of initial and various pretrial hearings.

**LR60-CR2.2-4****Reassignment**

The following individuals shall serve in the event it becomes necessary to reassign a felony or misdemeanor case in the Owen Circuit Court: (1) The Honorable Erik Allen, Greene Circuit Court; (2) The Honorable Dena Martin, Greene Superior Court; (3) The Honorable G. Thomas Gray, Morgan Superior Court 1, (4) The Honorable Joseph Trout, Clay Circuit Court; (5) The Honorable Matthew Headley, Putnam Circuit Court; (6) The Honorable Mary Ellen Diekhoff, Monroe Circuit Court, Division 4.

In the event that it becomes necessary to reassign a felony or misdemeanor case, the judges will be reassigned in consecutive order to these judges.